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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,855	04/27/2001	Willem Hendrik Brits	JKERN14.001A	3572
20995	7590	05/23/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			CROSS, LATOYA I	
			ART UNIT	PAPER NUMBER
			1743	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,855

Applicant(s)

BRITS, WILLEM HENDRIK

Examiner

LaToya I. Cross

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-22, 24, 25 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-46 is/are allowed.
- 6) ☒ Claim(s) 16-18, 20-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Applicants' amendments filed on February 28, 2005. Claims 16-22, 24-25 and new claims 38-46 are pending.

Withdrawal of Rejections from Previous Office Action

- The anticipation rejection over Nebel is withdrawn in view of Applicants' amendment to recite that the collecting cavity protrudes outward from the side wall.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

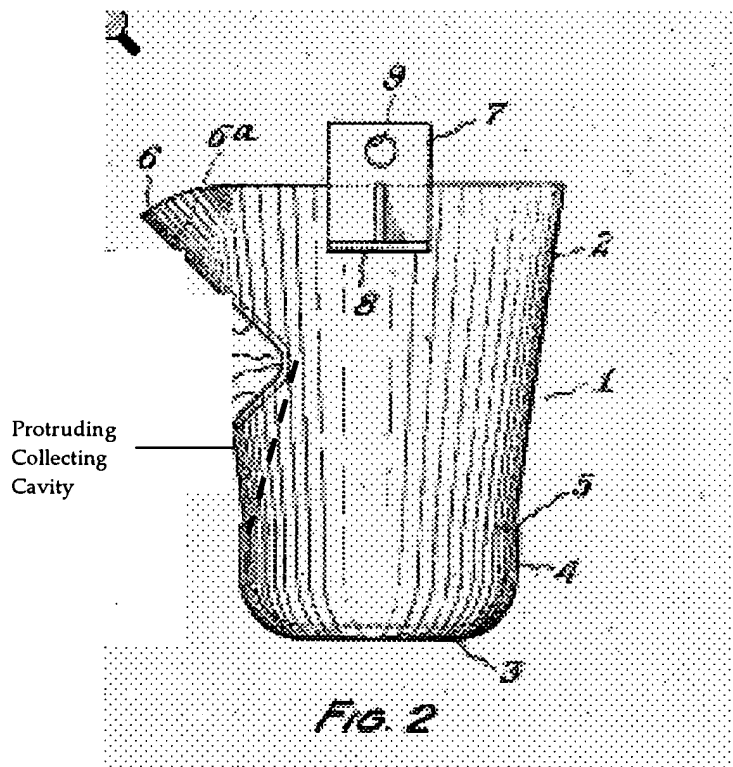
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ripich '641.

Ripich teaches a receptacle for melting metals. The receptacle comprises a base (3) and side walls (2), forming a melting zone cavity. Proximate the top portion of the receptacle, there exists an indentation (13). The side walls (2) are conical in shape, while

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the base (3) has parallel side walls. The indentation (13) along with the structure of the side wall (2) meeting base (3) create an outwardly protruding cavity on the inside of the receptacle (see figure below where protruding collecting cavity is outlined by a dotted line). On top of the collecting cavity, there exists a spout (6). Ripich teaches at col. 4, lines 49-55, the indentation forms a dam or barrier extending across the inner space of the receptacle, which is adapted to hold or confine metal that would otherwise pass to the pouring spout. Ripich further teaches that the indentation if formed in the side wall of the receptacle (col. 4, lines 56-62).



Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ripich '641 in view of Nebel '008.

The disclosure of Ripich '641 is described above. Ripich differs from the instantly claimed invention in that there is no disclosure of 1) two pouring spouts and 2) a method step wherein the receptacle is turned in a first direction to collect molten lead and turned in a second direction to pour off slag.

Nebel teaches a separating pot (receptacle) for molten metal from slag. The pot comprises a body (6) of a base and side walls that define the melting zone cavity. At the lower part of the melting zone cavity, there exists a pocket (8) forming a collecting cavity. The collecting cavity is formed in the wall of the melting zone cavity. Two spouts (7) are located above the collecting cavity, diametrically across from one another. With respect to the method of claims 24 and 25, Nebel teaches that when molten metal is run into the pot, the molten metal settles at the bottom and the slag floats on top. To separate and dump the slag, the pot is tilted to one side, as shown in figure 4. The pocket catches and holds the molten metal portion. The pot is tilted in the opposite direction to allow the molten metal to exit the pot.

It would have been obvious to one of ordinary skill in the art to incorporate two pouring spouts into the device of Ripich as a means to allow slag to poured out of the receptacle, yet allow molten lead to be collected into the collecting cavity. Using two spouts would assure that the molten metal is properly collecting, while discarding the unwanted slag.

Allowable Subject Matter

5. Claims 38-46 are allowed. Claims 28-45 recite the collecting cavity as having a separate opening within the side wall. None of the prior art of record teaches or suggests a receptacle having a collecting cavity disposed in its side wall, wherein the collecting cavity has its own opening.
6. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach or suggest a molten metal receptacle having a collecting cavity formed from a removable plug attached to the side wall of the receptacle, as recited in claims 19 and 46.

Response to Arguments

7. Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive. With respect to the Ripich reference, Applicants argue that Ripich fails to teach a collecting cavity that protrudes from the side wall. The Examiner disagrees. As shown in the figure taken from Ripich above, Ripich teaches that the top portion of the side wall (2) is conically shaped. The base (3) has parallel side walls. The indentation (13), which forms the collecting cavity is disposed in the conically shaped portion of the side wall (2). Since the base is parallel, the indentation creates a cavity that protrudes from the side wall. The Examiner has used a dotted line in the figure to better show the protruding side wall. Thus, the Examiner has maintained the rejection over Ripich and believes Ripich to teach a protruding collecting cavity.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

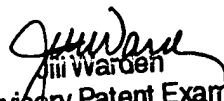
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaToya I. Cross whose telephone number is 571-272-1256. The examiner can normally be reached on Monday-Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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